

Prob 12
(Rev. 3/88)

UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA

'06 NOV 21 P3:58

U.S.A. vs. BEN GERG

Docket No. 05-00017-001 ERIE

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of BEN GERG, who was placed on supervision by the Honorable John T. Elfvin, sitting in the Court at Buffalo, New York, on the 15th day of October 2001, who fixed the period of supervision at three years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not commit another federal, state, or local crime.
- The defendant shall not illegally possess a controlled substance.
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- The defendant shall refrain from the unlawful use of a controlled substance.
- The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic tests thereafter.
- The defendant shall enter into drug/alcohol treatment, to include urinalysis and other testing, the details of such treatment to be approved by the United States Probation Office. The defendant is not to leave treatment until discharge is agreed to by the United States Probation Office and the treating agency. While in treatment and after discharge from treatment, the defendant is to abstain from the use of alcohol. The defendant is required to contribute to the cost of services rendered (copayment) in an amount to be determined by the probation officer based on ability or availability of third party payment.
- The defendant shall submit to a search of his person, property, vehicle, and place of residence conducted as determined by the United States Probation Office.
- The defendant shall pay a special assessment of \$100.

10-05-01: Conspiracy to Possess With Intent to Distribute Heroin; 10 months' custody of the Bureau of Prisons; 3 years' supervised release.

11-10-03: Released to supervision; Currently supervised by U.S. Probation Officer David J. Conde.

02-14-05: Jurisdiction transferred from Western District of New York to Western District of Pennsylvania (Erie). Docket No. 05-00017-001 assigned.

10-02-05: Case removed to inactive status due to arrest and confinement of more than 30 days.

06-08-06: Released from state custody; Reinstated to active status; New expiration date of July 16, 2007.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that the releasee has been experiencing significant mental health problems, and as a result, he has been referred to and is presently receiving community-based mental health treatment

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in the Elk County, Pennsylvania, area. On October 18, 2006, the releasee signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Time of Supervision (enclosed), in which he agreed to the following modification of supervision: The releasee shall participate in a mental health treatment program approved by the probation officer, until such time as the defendant is released from the program by the probation officer.

PRAYING THAT THE COURT WILL ORDER that the releasee shall participate in a mental health treatment program approved by the probation officer, until such time as the defendant is released from the program by the probation officer.

ORDER OF COURT

Considered and ordered _____ day of _____, _____ and ordered filed and a part of the records in the above case.

U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed
on

Nov 20, 2006

David J. Conde

David J. Conde

U.S. Probation Officer

Gerald R. Bubank

Gerald R. Bubank

Supervising U.S. Probation Officer

Place: Erie, PA